

12/17/2009

Confidentiality Processes for FCC Filed Applications

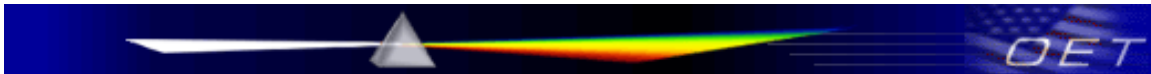
Long-Term Confidentiality Process (FCC Applications)

When an application is filed directly with the FCC, there is a fee charged for the type of device for which authorization is requested, in accordance with the FCC Rules. There is a separate fee for Long-Term Confidentiality that is listed in the OET Fee Filing Guide which is available online.

1. A justification for a Long-Term Confidentiality request must be submitted in the application. The justification should (a) reference Sections 0.457 and 0.459 which identify the information to be held confidential, and (b) list the specific attachments to be held confidential. The justification should be uploaded into the Cover Letter(s) Exhibit type.
2. To request Long-Term Confidentiality for specific exhibits in an application, the applicant or the applicant's authorized agent must check the "Yes" box on the Form 731 question regarding a request for Long-Term Confidentiality; submit a cover letter exhibit that justifies the confidentiality request for each specific exhibit and check the "Long-Term Confidential" checkbox on each Exhibit attachment for which confidentiality is requested before that exhibit is uploaded.
3. When the FCC issues the grant, a letter approving the "Long-Term Confidentiality" is also issued.

Short-Term Confidentiality Process (FCC Applications)

1. When completing the Form 731, the applicant or the applicant's authorized agent must check the "Yes" box on the Form 731 question regarding a request for Short-Term Confidentiality. The submitting party should then either specify the Short-Term Confidentiality release date, or request (using the "Yes" or "No" radio button) that the Short-Term Confidentiality release date be set to 45 days from grant date.
2. When submitting the supporting exhibits there is a checkbox on the "Add Attachments" link following the completion of the Form 731 for "Short Term Confidential." For each attachment that "Short Term Confidentiality" is requested, the checkbox should be checked. The checkbox may not be checked for: Attestation Statements; Cover Letter(s); ID Label/Location Info; Test Reports; and RF Exposure Info. The "Add Attachments" link also has a checkbox for "Long-Term Confidential" which holds information permanently confidential. If "Long-Term Confidential" is selected, then "Short-Term Confidential" should not be selected (select only one type of confidentiality for each exhibit file uploaded).
3. If "Short Term Confidentiality" is selected a confidentiality fee is required. If "Long-Term Confidentiality" and "Short-Term Confidentiality" are requested, only one confidentiality fee is required. If the device is a composite device, the confidentiality fee only needs to be paid for one portion of the composite application. If the application is



12/17/2009

for a permissive change, the confidentiality fee should only be submitted if confidential information is submitted.

4. As with Long-Term Confidentiality requests, a justification of the request for Short-Term Confidentiality must be submitted in the application. The justification should (a) reference the Sections 0.457 and 0.459 which identify the information to be held confidential, and (b) list the specific attachments to be held confidential. The justification should be uploaded into the Cover Letter(s) Exhibit type.

5. Requesting Short-Term Confidentiality will hold information confidential up to 180 days from the date of grant. If a specific release date is specified (within the 180 days from Grant) the exhibits marked Short-Term Confidential will be made available on that date. If the option of "45 days from grant date" is specified, the exhibits marked Short-Term Confidential will be made available 45 days after grant. In either case, the submitting party can modify the Short-Term Confidentiality date using the equipment authorization Web site option to "Change Short-Term Confidential Date." A modification to the Short-Term Confidentiality date requires the FCC ID, the Form 731 Confirmation Number (EA#), a modified Short-Term Confidentiality release date (within 180 days from grant) and an attachment on company letterhead describing the reason for the change (PDF format only). Exhibits will be made publicly available on the modified Short-Term Confidentiality release date.

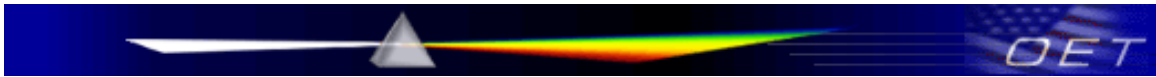
6. When the FCC issues the grant, a letter approving the "Short Term Confidentiality" is also issued.

7. When marketing of the device begins, the justification for "Short Term Confidentiality" no longer applies, and the information held confidential must be released to the public. The applicant or the applicant's agent is responsible for immediately modifying the Short-Term Confidentiality release date to make the information previously held Short-Term Confidential publicly available.

8. To reinstate Short-Term Confidentiality that may have expired, the applicant or the applicant's agent must contact easeadmin@fcc.gov.

Post-Grant Confidentiality Process (FCC Applications) (the request for confidentiality cannot be filed through a TCB, because the original grant was issued by the Commission)

1. If confidentiality is requested within 30 calendar days of issuance of the grant, the application may be modified to add confidentiality. The applicant, or the applicant's agent, should send an e-mail to easeadmin@fcc.gov requesting a correction of the application. The e-mail should include a justification for the correction, and documentation from the requestor of awareness that the information has been publicly available since the date of grant. No additional application fee is required; however, a confidentiality fee must be paid (use the Return to 159 function on the equipment authorization electronic filing Web site) if a confidentiality fee was not already paid with the application. The original grant will be Set Aside and the engineer who handled the original application will match the exhibit(s) in the original filing with the exhibit(s) for which confidentiality is requested. Based on approval by management, the reviewing engineer will mark the requested exhibit(s) as "Confidential" and the exhibit(s) will no



12/17/2009

longer be publicly available. The engineer will then issue and print a new grant, noting the original date of Grant in the “Comments” and ensuring that the application will be modified to reflect the requested changes.

2. If confidentiality is requested more than 30 days after the issuance of the grant (31 days or greater), a Class II Permissive Change request must be filed with the Commission. The submittal should include a Cover Letter requesting confidentiality of the exhibit(s) filed in the original application, and should cite the original FCC ID and Confirmation Number (EA #). The written request should also include a justification for the correction, and documentation from the requestor of awareness that the information has been publicly available since the date of grant. This letter should be uploaded as a Cover Letter exhibit. In addition, a fee payment for confidentiality is required if the original application did not include a confidentiality fee. After payment verification and review of the Permissive Change submittal, the Commission will correct the original application, and follow the Confidentiality process.

